

REMARKS / ARGUMENTS

Claim 17 has been amended. Claims 7 and 11 have been canceled. No new claims have been added. Accordingly, claims 8-10, 12-15 and 17 are pending in this application.

Claims Rejections Under 35 U.S.C. §112

Claim 11 stands rejected under 35 USC 112, first paragraph, because the specification allegedly does not reasonably provide for an angular moveable reflecting acoustic wave reflecting means being present within a device at the same time when a second means is present.

Claim 11 has been canceled.

Claim 17 stands rejected under 35 USC 112, first paragraph, because liquid is not positively claimed as being required as been present in the container. Claim 17 has been amended to substitute --that-- for “which” as suggested by the Examiner. Since claim 7 has now been canceled as being duplicative of claim 17, claim 17 is submitted to be patentable.

35 U.S.C. §§102 and 103

Claim 7 stands rejected under 35 U.S.C. §102(e) as anticipated by or in the alternative under 35 U.S.C. §103(a) as obvious over Akira JP2000-338113.

Claim 7 has been canceled

Patentability of the Claims

Since the Examiner indicated on page 7 of the Office Action that claims 8-10, 12-15 and 17 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112 and claim 7 were canceled, it is submitted that claims 8-10, 12-15 and 17 are now in condition for allowance and allowance of these claims is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIP-217-02).

Respectfully submitted,

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